

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

EMANUEL J. BENSON,

Plaintiff,

v.

1:13-cv-3744-WSD

The State of Georgia, et al.,

Defendants.

OPINION AND ORDER

This matter is before the Court on Magistrate Judge Clayton Scofield's Final Report and Recommendation ("R&R"), which recommended that this action should be dismissed for failure to obey a lawful order of the Court.

On November 12, 2013, Plaintiff filed this employment discrimination action against Defendants in which he alleged that Defendants violated several federal and state laws. The Plaintiff's Complaint appears to be 41 pages in length, but only the first page of the Complaint was docketed. Plaintiff also attached to his Complaint a list of grievances and a right to sue letter from the Equal Employment Opportunity Commission. On November 22, 2013, the Magistrate Judge granted the Plaintiff's application to proceed *in forma pauperis*, but struck the Plaintiff's

Complaint for failure to comply with Rules 8 and 11 of the Federal Rules of Civil Procedure. The Magistrate Judge also found that the allegations in the Complaint were insufficient for the Court to determine whether the Complaint stated a claim upon which relief can be granted. The Magistrate Judge, therefore, ordered the Plaintiff to file an Amended Complaint within fourteen days of the November 22, 2013 Order. Plaintiff failed to file an Amended Complaint within the time allowed by the November 22, 2013 Order. On January 10, 2014, the Magistrate Judge issued a Final R&R, and recommended that this action should be dismissed because plaintiff failed to file an Amended Complaint.


Local Rule 41.3 provides that the Court may dismiss a civil case for want of prosecution if a plaintiff fails to obey a lawful Order of the Court. L.R. 41.3 A.(2), N.D. Ga. Plaintiff failed to comply with the deadline set by the Final R&R despite being admonished that if he failed to file an Amended Complaint by the required date, this action would be dismissed. See id. Because Plaintiff failed to obey a lawful Order of the Court, the Court finds no plain error in the Magistrate Judge's recommendation, and dismisses this action without prejudice.

Accordingly, for the foregoing reasons,

IT IS HEREBY ORDERED that Magistrate Judge Clayton Scofield's Final R&R is **ADOPTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED WITHOUT PREJUDICE** for failure to obey a lawful Order of the Court, pursuant to L.R. 41.3 A.(2), N.D. Ga.

SO ORDERED this 2nd day of June 2014.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE